

the State of Iowa, The members of the Board of Education shall be elected, one from each Judicial District in the State, in accordance with the provisions of the Constitution, upon the second Tuesday of October, A. D. 1858, and the votes for said members shall be canvassed as provided for the election of District Judges. Said Board shall hold their first meeting in December, A. D. 1858, as provided by the Constitution of the State.

Election of members.

Sec. 2. The Board of Education shall hold a session at the Capitol of the State on the first Monday of December, A. D. 1859, and every second year thereafter.

Sessions held.

Approved March 23d, 1858.

CHAPTER 156.

PRE-EMPTIONS OF SCHOOL LANDS.

AN ACT for the relief of certain claimants and pre-emptors of School Lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any person having a bona fide claim upon the lands known as the 500,000 acre grant reported by the selecting Agent of the State upon the lists of selections returned by him, and any person who shall have settled upon or improved any of said lands under a claim or pre-emption supposed by said person at the time to be legally acquired by the payment of money to the late Superintendent of Public Instruction or other person having charge of the books and papers of his office, and any person who shall have made a *bona fide* settlement and improvement upon any section sixteen since the survey thereof, and prior to the passage of this act, shall upon making proof thereof as hereinafter provided, be permitted to purchase the same upon the same terms of payment as other school lands sold at auction; *Provided*, That where any county seat has been located on any of the lands mentioned in this section, the several counties in which said county seats are

Claims secured by purchase upon appraisement

Counties may purchase sites of county seats.

situate shall have and be entitled to purchase said lands to the amount of one hundred and sixty acres at the appraised value thereof, exclusive of improvements.

Statement of
claim filed.

Sec. 2. Before any such claimant or pre-emptor shall be permitted to purchase any of said lands under the provisions of this act, he shall file with the School Fund Commissioner of the county in which the lands are situated, a statement under oath of the date and character of his claim, within sixty days after the taking effect of this act.

Purchase of lands
permitted.

Sec. 3. If there be but one claimant to any tract of said land, and the School Fund Commissioner shall be satisfied that said claim is of the character contemplated by this act, and that the same was made in good faith, he shall require no further proof, but permit the claimant to purchase the said lands at the appraised value; *Provided*, That if the appraised value of any of said lands is less than two dollars and fifty cents per acre, the same shall be sold at two dollars and fifty cents per acre, and provided further, that all of said lands which have not been appraised, or the appraisement thereof not officially in the possession of such School Fund Commissioner, he shall cause the same to be appraised as provided by law.

Price limited.

Conflicting cl'ns
settled.

Sec. 4. If it shall appear that any of said lands are claimed by two or more adverse claimants, the School Fund Commissioner shall immediately after the expiration of the sixty days provided in the second section of this act, fix a time for hearing each case, and notify the claimants thereof, which notice shall be served upon each party at least ten days before the day fixed for hearing, unless waived by him upon hearing the proofs and allegations of the parties, the School Fund Commissioner shall decide the cases and permit the purchase of the disputed tract by the party entitled thereto; *Provided*, however, that I. L. L. Terry, of Washington county, and William C. Rayburn, of Poweshiek county, be and they are hereby appointed Commissioners to sit with the School Fund Commissioner of Iowa county, and the three shall constitute a Board of Commissioners to hear

Provisions for
Iowa County.

all conflicting case under the provisions of this act in the county of Iowa, a majority of whom shall have power to decide any or all of said cases, and the School Fund Commissioner of said county is hereby required to carry into effect the decision of said Board as provided in this act.

Sec. 5. An appeal may be taken to the District Court of the District in which the lands are situated, from any decision made under the provisions of this act, and the School Fund Commissioner shall conform his official action, in case of appeal, to the decision and direction of said Court. Appeal allowed.

Sec. 6. The Commissioners appointed by this act shall be entitled to the sum of three dollars per day as a compensation for their services, which shall be paid by the purchasers of said lands, in proportion to the number of acres purchased by each, before the execution of the contract of purchase. Pay of commissioners.

Sec. 7. This act to take effect and be in force from and after the publication thereof in the Iowa Weekly Citizen and the Iowa State Journal. Take effect.

Approved March 23d, 1858.

I hereby certify that the foregoing Act was published in the Iowa Citizen on the 14th day of April, 1858, and in the Iowa State Journal on the 10th day of April, 1858.

ELLIJAH SELLS,
Secretary of State.

CHAPTER 157.

CITIES AND TOWNS.

AN ACT for the Incorporation of Cities and Towns.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no town or city shall hereinafter be incorporated in the State of Iowa, in any other manner than as herein provided. None of the provisions of this act shall apply to cities or towns already incorporated in this State, otherwise than as herein provided, save and except section sixty-one of this act. Corporation limited.
Application of law.